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PATENT  
Attorney Docket No.: 020979-002310US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 7/21/04

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]  
Tiffany Wu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

HANSON S. GIFFORD, III et al.

Application No.: 10/695,649

Filed: October 27, 2003

For: VENTRICULAR INFARCT  
ASSIST DEVICE AND METHODS FOR  
USING IT

Examiner:

Art Unit:

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/964,070, filed September 25, 2001 (Attorney Docket No. 020979-002300US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

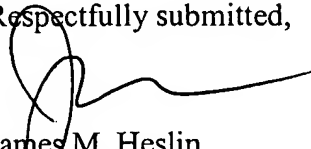
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

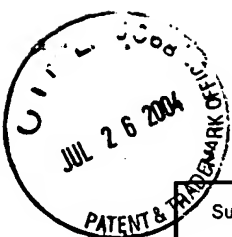
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
JMH:ewm  
60265317 v1



|   |   |    |                          |                        |                 |
|---|---|----|--------------------------|------------------------|-----------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |   |    | <b>Complete if Known</b> |                        |                 |
|   |   |    | Application Number       | 10/695,649             |                 |
|   |   |    | Filing Date              | October 27, 2003       |                 |
|   |   |    | First Named Inventor     | GIFFORD, HANSON S.     |                 |
|   |   |    | Art Unit                 | Unassigned             |                 |
| Sheet   | 1 | of | 2                        | Examiner Name          | Unassigned      |
|   |   |    |                          | Attorney Docket Number | 020979-002310US |

| U.S. PATENT DOCUMENTS+ |                          |  |                                |  |   |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials*  | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                        |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                        | 1                        | 3,174,851                                | 03-23-1965                     | Buehler et al.                                     |   |
|                        | 2                        | 3,351,463                                | 11-07-1967                     | Rozner et al.                                      |   |
|                        | 3                        | 3,753,700                                | 08-21-1973                     | Harrison et al.                                    |   |
|                        | 4                        | 5,643,172                                | 07-01-1997                     | Kung et al.  |   |
|                        | 5                        | 5,702,343                                | 12-30-1997                     | Alferness  |   |
|                        | 6                        | 5,800,528                                | 09-01-1998                     | Lederman et al.                                    |   |
|                        | 7                        | 5,961,440                                | 10-05-1999                     | Schweich, Jr. et al.                               |   |
|                        | 8                        | 6,045,497                                | 04-04-2000                     | Schweich, Jr. et al.                               |   |
|                        | 9                        | 6,050,936                                | 04-18-2000                     | Schweich, Jr. et al.                               |   |
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|                        | 11                       | 6,077,214                                | 06-20-2000                     | Mortier et al.                                     |   |
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|                        | 15                       | 6,126,590                                | 10-03-2000                     | Alferness  |   |
|                        | 16                       | 6,155,972                                | 12-05-2000                     | Nauertz et al.                                     |   |
|                        | 17                       | 6,162,168                                | 12-19-2000                     | Schweich, Jr. et al.                               |   |
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|                        | 21                       | 6,165,122                                | 12-26-2000                     | Alferness  |   |
|                        | 22                       | 6,169,922                                | 01-02-2001                     | Alferness et al.                                   |   |
|                        | 23                       | 6,174,279                                | 01-16-2001                     | Girard   |   |
|                        | 24                       | 6,183,411                                | 02-06-2001                     | Mortier et al.                                     |   |
|                        | 25                       | 6,193,648                                | 02-27-2001                     | Krueger  |   |
|                        | 26                       | 6,224,540                                | 05-01-2001                     | Lederman et al.                                    |   |
|                        | 27                       | 6,230,714                                | 05-15-2001                     | Alferness et al.                                   |   |
|                        | 28                       | 6,241,654                                | 06-05-2001                     | Alferness  |   |
|                        | 29                       | 6,260,552                                | 07-17-2001                     | Mortier et al.                                     |   |
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|                        | 31                       | 6,264,602                                | 07-24-2001                     | Mortier et al.                                     |   |
|                        | 32                       | 6,406,420                                | 06-18-2002                     | McCarthy et al.                                    |   |

| FOREIGN PATENT DOCUMENTS |                          |                           |                     |                                   |                                |   |  |                          |
|--------------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|---|--|--------------------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |                     |                                   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup>           |
|                          |                          | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |                                |   |  |                          |
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|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.  
60265317 v1

PTO/SB/08B (08-03)

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/695,649         |
| Filing Date            | October 27, 2003   |
| First Named Inventor   | GIFFORD, HANSON S. |
| Art Unit               | Unassigned         |
| Examiner Name          | Unassigned         |
| Attorney Docket Number | 020979-002310US    |

Total Number of Pages in This Submission

**ENCLOSURES (Check all that apply)**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>PTO/SB/08A & PTO/SB/08B |
|--|---|---|

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |                                    |                 |
|-------------------------|------------------------------------|-----------------|
| Firm or Individual name | Townsend and Townsend and Crew LLP | Reg. No. 29,541 |
| Signature               |                                    |                 |
| Date                    | July 21, 2004                      |                 |

**CERTIFICATE OF TRANSMISSION/MAILING**

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|-----------------------|------------|------|---------------|
| Typed or printed name | Tiffany Wu |      |               |
| Signature             |            | Date | July 21, 2004 |